Remarks and Arguments

1. Applicant notes that this case was the subject of a Notice of Allowance mailed by the Patent Office on April 29, 2005 and that the allowance was subsequently withdrawn. Applicant has reviewed the currently operative office action and submits that the rejections raised therein are without merit. Applicant considers all prior rejections to be moot in light of the allowance issued on April 29, 2005.

2. Claims 1 – 4, 8 – 15, 19 – 24, and 28 -32 have now been rejected under 35 U.S.C. 102(e) as being anticipated by McNamara in US Patent No. 6,687,662, hereinafter McNamara '662.

Applicant notes that McNamara '662 does not even read upon the claims in the instant case. The claims here pertain to a method and apparatus for "characterizing an electronic circuit" (Claims 1, 8, 19 and 28). These claims and the description provided in Applicants specification clearly relate to a system for characterizing an electronic circuit in an integrated circuit.

McNamara '662 is plainly directed to a design verification method and apparatus for state machines. No where does McNamera describe circuit level simulations. To the contrary, McNamara '662 discusses high level state machines in terms of basic blocks and transition arcs (Col. 2; Lns. 20 – 30). In order to further clarify his meaning of a basic block and a transition arc, Applicant invites the Examiner to consider Fig. 4 and the accompanying description in Col. 6; Lns. 41 – 63.

The Office Action of July 26, 2005 purports that McNamara describes application of his method to, inter alia, a noise event (Col. 5; Lns 55 – 58).

This is simply not true. The citation offered in the office action refers to "basic blocks, transition arcs, and/or other paths" within the simulated design. Again, reading McNamara '662 in its entirety clearly indicates that a path is a state transition path and nothing more (see Col. 6; Lns 42 – 46).

Since McNamara fails to teach the claimed method and apparatus, Applicant submits that the rejection of Claims 1 – 4, 8 – 15, 19 – 24, and 28 -32 under 35 U.S.C. 102(e) is *entirely* without merit and must be withdrawn.

3. Claims 5, 7, 16, 18, 25 and 27 have now been rejected under 35 U.S.C. 103(a) as being unpatentable over McNamara '662 in view of US Patent No. 6,708,329 to Whitehill.

Applicant notes that the burden of establishing obviousness rests on the Examiner. In order to support a prima facie case for obviousness using a particular set of references, the references must exhibit the following attributes:

(a) The prior art references *must* collectively *teach* or suggest *all* of the *claim limitations* in the application;
(b) There must be a reasonable expectation of success in modifying the reference; and
(c) The references must suggest or provide some motivation to modify and / or combine the reference teachings.

Here, the claimed invention is a method and apparatus for characterizing an electronic circuit in an analytical manner. Applicant has already demonstrated that McNamara '662 fails to teach even one aspect of the claimed method and apparatus. In fact, McNamara '662 is simply non-sequitur. Now, the Office Action of July 26 brings forth another irrelevant

piece of art - US Patent No. 708,329 to Whitehill. Whitehill teaches a method and an apparatus for converting simulation results into a target software module. Applicant simply cannot fathom how this disclosure is relevant to the claimed method and apparatus.

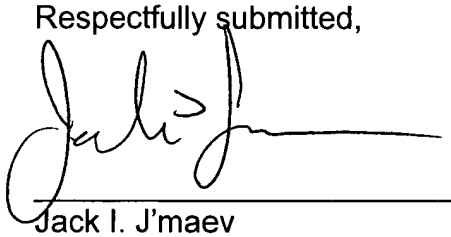
First, neither McNamara '662 nor Whitehill teach any aspect of the claimed method and apparatus – there is not even a single relevant description in either reference cited in the office action. Applicant can end his analysis here since the first prong of the test for obviousness has failed. Both of the cited references are so off field that Applicant can not even carry a legal analysis for obviousness any further. For example, Applicant would ordinarily argue that there is no motivation to combine the two cited reference. Applicant can not make this argument because neither of the references teach any claimed limitations that could otherwise be combined.

Applicant must emphatically state for the record that neither McNamara '662 nor Whitehill are from analogous art and simply can not be used to support a rejection under 35 U.S.C. 103(a). Accordingly, Applicant submits that the rejection of Claims 5, 7, 16, 18, 25 and 27 under 35 U.S.C. 103(a) is unfounded and must be withdrawn.

4. Applicant thanks the original Examiner for finding the present case allowable and herein has demonstrated that the currently operative office action is simply without merit. Based on the foregoing, Applicant considers the present method and all claimed embodiments thereof to be distinguished from the art of record. Accordingly, Applicant respectfully solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action such that a Notice of Allowance is forwarded to the Applicant and the present application is therefore allowed to issue as a United States patent. In light of the fact that the current rejections are so unfounded, Applicant respectfully

submits that a Notice of Allowance be forwarded to the Applicant without further delay.

Respectfully submitted,



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